

**ENTERED**

November 21, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

OFELIA VALLIN-NIEVES,  
Petitioner,

V.

UNITED STATES OF AMERICA  
Respondent.

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CIVIL ACTION NO. B-17-173  
(CRIMINAL NO. B-14-142-1)

**ORDER**

Pending is the Magistrate Judge's September 5, 2017, Report and Recommendation in the above-referenced cause of action. [Doc. No. 4] No objections have been lodged by either side and the time for doing so has expired.

Having reviewed all of the pleadings and the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation is hereby adopted. Therefore, it is ordered that Petitioner Ofelia Vallin-Nieves's § 2255 petition [Doc. No. 1] is dismissed for lack of jurisdiction as a successive petition. The issuance of a Certificate of Appealability is denied.

Signed this 20<sup>th</sup> day of November, 2017.



Andrew S. Hanen  
United States District Judge